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6 Attorneys for Defendant and Counter-Claimant
KONTRON AMERICA, INC.

7

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 EXCEPTIONAL INNOVATION, LLC,

11 Plaintiff,

12 vs.

13 KONTRON AMERICA, INC.,

14 Defendant.

15 CASE NO. 07CV2041 LAB(LSP)

16 **EX PARTE APPLICATION FOR APPROVAL**
17 **OF SUBSTITUTION OF ATTORNEYS OF**
18 **KONTRON AMERICA, INC.**

19 Honorable Larry Alan Burns

20 Ctrm: 9

21 Action Filed: June 27, 2007

22 KONTRON AMERICA, INC.,

23 Counter-Claimant,

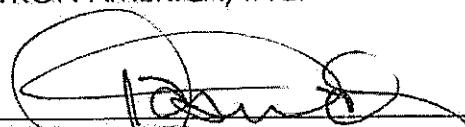
24 v.

25 EXCEPTIONAL INNOVATION, LLC,

26 Counter-Defendant.

1 On October 17, 2007, this case was transferred to this District from the United States
2 District Court for the Southern District of Ohio. Defendant and Counter-Claimant Kontron
3 America, Inc. hereby requests that the Court approve the substitution of the law firm of
4 Solomon Ward Seidenwurm & Smith, LLP, 401 B Street, Suite 1200, San Diego, California
5 92101, telephone no. (619) 231-0303, facsimile no. (619) 231-4755 as its counsel of record
6 in this matter in the place and stead of Squire, Sanders & Dempsey, LLP.

7 DATED: November 19, 2007 KONTRON AMERICA, INC.

8 By: 

9 JACK WALKER
10 Manager, Programs and Contracts

11 I hereby consent to the above substitution.

12 DATED: November __, 2007 SQUIRE, SANDERS & DEMPSEY, LLP

13 By: _____

14 JESSICA D. GOLDMAN
15 PHILOMENA M. DANE
16 Previous Attorneys for Defendant and Counter-
17 Claimant KONTRON AMERICA, INC.

18 I accept the above substitution.

19 DATED: November __, 2007 SOLOMON WARD SEIDENWURM & SMITH, LLP

20 By: _____

21 NORMAN L. SMITH
22 ELIZABETH A. MITCHELL
23 New Counsel of Record for Defendant and
24 Counter-Claimant KONTRON AMERICA, INC.

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6 facsimile no. (619) 231-4755 as its counsel of record in this matter in the place and
7 stead of Squire, Sanders & Dempsey, LLP.

8 DATED: November ___, 2007 KONTRON AMERICA, INC.

9

10

By: JACK WALKER
Manager, Programs and Contracts

11

12

I hereby consent to the above substitution.

13

14

DATED: November 20, 2007 SQUIRE, SANDERS & DEMPSEY, LLP

15

16

By: Jessica D. Goldman
JESSICA D. GOLDMAN
PHILOMENA M. DANE
Previous Attorneys for Defendant and
Counter-Claimant KONTRON AMERICA,
INC.

17

18

I accept the above substitution.

19

20

DATED: November ___, 2007 SOLOMON WARD SEIDENWURM & SMITH, LLP

21

22

By: NORMAN L. SMITH
NORMAN L. SMITH
ELIZABETH A. MITCHELL
New Counsel of Record for Defendant
and Counter-Claimant KONTRON
AMERICA, INC.

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JACK WALKER
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By: _____
JESSICA D. GOLDMAN
PHILOMENA M. DANE
Previous Attorneys for Defendant and Counter-
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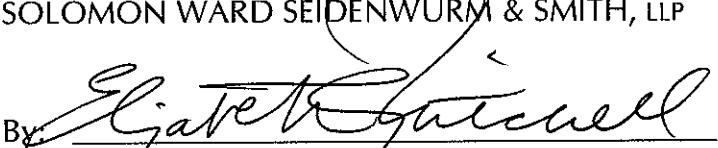
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By: 
NORMAN L. SMITH
ELIZABETH A. MITCHELL
New Counsel of Record for Defendant and
Counter-Claimant KONTRON AMERICA, INC.

PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the County of San Diego, State of California. I am over the age of 18 years and not a party to this action. My business address is Solomon Ward Seidenwurm & Smith, LLP, 401 B Street, Suite 1200, San Diego, California 92101.

On November 20, 2007, I served a copy, including all exhibits, if any, of the following document(s):

**EX PARTE APPLICATION FOR APPROVAL OF SUBSTITUTION OF ATTORNEYS
OF KONTRON AMERICA, INC.**

on the parties in this action listed in the attached Proof of Service List, which is incorporated herein by this reference, by the following means:

(BY MAIL) I caused each such envelope to be sealed and placed for collection and mailing from my business address. I am readily familiar with the practice of Solomon Ward Seidenwurm & Smith, LLP for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business mail is deposited with the postage thereon fully prepaid in the United States Postal Service the same day as it is placed for collection. I am aware that upon motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

(BY PERSONAL SERVICE) I caused each such envelope to be sealed and given to a courier authorized by our attorney service to receive documents for delivery on the same date. A proof of service signed by the authorized courier will be filed forthwith.

(BY FEDERAL EXPRESS) I am readily familiar with the practice of Solomon Ward Seidenwurm & Smith, LLP for the collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.

(BY FACSIMILE) This document was transmitted by facsimile transmission from (619) 231-4755 and the transmission was reported as complete and without error. I then caused the transmitting facsimile machine to properly issue a transmission report, a copy of which is attached to this affidavit.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of this bar of this court, at whose direction this service was made.

Executed on November 20, 2007, at San Diego, California.

Sonja Wicker
Sonja Wicker

PROOF OF SERVICE LIST

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3 Sommer L. Sheely
4 Bricker & Eckler LLP
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6 Columbus, OH 43215
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8 Fax: 614-227-2390
9 nreid@bricker.com

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11 Attorneys for Plaintiff EXCEPTIONAL
12 INNOVATION, LLC

13 Philomena M. Dane
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18 Tel: (614) 365-2700
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20 pdane@ssd.com

21 Ohio Attorneys for Defendant KONTRON
22 AMERICA, INC.

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